

AMENDED IN SENATE AUGUST 19, 2004

AMENDED IN SENATE JUNE 14, 2004

AMENDED IN ASSEMBLY MARCH 30, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3033**

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**Introduced by Assembly Member Yee**

February 25, 2004

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An act to amend Section 8875.4 of, and to add and repeal Section 8875.10 of, the Government Code, and to repeal Section 19169 of the Health and Safety Code, relating to seismic safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 3033, as amended, Yee. Seismic safety.

Existing law establishes a program within all cities and all counties and portions thereof located within seismic zone 4, as defined, to identify all potentially hazardous buildings, as defined, establish a mitigation program for these buildings, and file a report on the programs with the Seismic Safety Commission. The mitigation program may include, among other things, the adoption by ordinance of a hazardous buildings program, measures to strengthen buildings, and the application of structural standards necessary to provide for life safety above current code requirements. The Seismic Safety Commission is required to report annually to the Legislature on the filing of mitigation programs and assess the effectiveness of building reconstruction standards adopted pursuant to these provisions.

This bill would prohibit, until January 1, 2009, and notwithstanding any other provision of law, a city or county from imposing any

additional *building or site* conditions ~~including, but not limited to, local amendments to state building codes, and land use fees and exactions, upon the owner of a potentially hazardous building who applies for on or before the issuance of a building permit or other authorization to~~ conduct seismic-related improvements to the building to meet the requirements of the mitigation program at the time of the application if the *building or site* conditions are *unrelated to the improvements and the improvements comply with applicable building codes and meet or* exceed the requirements of state and federal law and regulations that would otherwise apply. The bill would require the annual report by the Seismic Safety Commission to include an evaluation of the impact and effectiveness of the provisions enacted in this bill. The bill would also make a technical, nonsubstantive change.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8875.4 of the Government Code is  
2 amended to read:

3 8875.4. The Seismic Safety Commission shall report  
4 annually to the Legislature on the filing of mitigation programs  
5 from local jurisdictions. The annual report required by this section  
6 shall review and assess the effectiveness of building  
7 reconstruction standards adopted by cities and counties pursuant  
8 to this article and shall, commencing on or before January 1, 2007,  
9 include an evaluation of the impact and effectiveness of Section  
10 8875.10.

11 SEC. 2. Section 8875.10 is added to the Government Code, to  
12 read:

13 8875.10. (a) Notwithstanding any other provision of law, a  
14 city or county may not impose any additional ~~conditions,~~  
15 ~~including, but not limited to, local amendments to state building~~  
16 ~~codes, and land use fees and exactions, upon the owner of a~~  
17 ~~potentially hazardous building who applies for a building permit~~  
18 ~~or other authorization to conduct seismic-related improvements to~~  
19 ~~the building to meet the requirements of the mitigation program at~~  
20 ~~the time of the application if the conditions exceed the building or~~  
21 *site conditions including, but not limited to, parking or other onsite*  
22 *or offsite requirements, fees, or exactions, on or before the*



1 issuance of a building permit that is necessary for the owner of a  
2 potentially hazardous building to conduct seismic-related  
3 improvements to that building in order for that building to meet the  
4 requirements of a mitigation program established pursuant to  
5 Section 8875.1 and adopted pursuant to Section 8875.2, if the  
6 building or site conditions do not relate to, or further the purpose  
7 of, seismic improvements to the building and the improvements  
8 comply with applicable building codes and meet or exceeds the  
9 requirements of state and federal law and regulations that would  
10 otherwise apply.

11 (b) This section shall not apply to any changes in use, design,  
12 or other building features that are unrelated to the seismic  
13 improvements. This section shall also not apply to a request for  
14 other entitlements for the project, including, but not limited to, a  
15 general plan amendment, zone change, or approval pursuant to  
16 the Subdivision Map Act.

17 (c) This section shall remain in effect only until January 1,  
18 2009, and as of that date is repealed, unless a later enacted statute,  
19 that is enacted before January 1, 2009, deletes or extends that date.

20 SEC. 3. Section 19169 of the Health and Safety Code is  
21 repealed.

